

## **REMARKS**

Upon entry of this amendment, claims 15 and 62 are pending in the instant application. Claim 15, has been amended, claim 62 is new. Claims 1-15 and 16-61 have been canceled.

### **1. Priority**

The Examiner has stated that the Applicant has not files a certified copy of priority application CA 2,399,569. Applicant disagrees. Applicant submitted a copy of the priority document on November 29, 2005. Applicants note that such submission is listed in PAIR. A copy of the transmittal is submitted herewith.

### **2. Claim Objections**

The Examiner has objected to claim 15 for depending from non-elected claims. Applicants have amended the claim 15 to be in independent form. This objection should be withdrawn.

The Examiner has objected to claim 15 because “cell” should be “cells”. Applicants have amended claim 15 to recite “cells”. This objection should be withdrawn.

### **3. Claim Rejections -35 U.S.C. § 112**

Claim 15 has been rejected under 35 U.S.C. § 112 first paragraph for not being enabled.

According to the Examiner, claim 15 while enabling for method of using the ZNFN3A1 protein set forth in SEQ ID NO:2 and encoded by a portion of SEQ ID NO:1 does not reasonably provide enablement for other ZNFN3A1.

The Examiner has also rejected claim 15 has been rejected under 35 U.S.C. § 112, first paragraph for lack of written description for essentially the same reasons why claim 15 does not meet the enablement requirement.

Claim 15 has been amended to require that the protein set forth in SEQ ID NO:2, for which the Examiner has stated meets both the enablement and written description requirement of 35 U.S.C. § 112, first paragraph. Accordingly, Applicant requests, that these rejections be withdrawn.

Claim 15 has been rejected under 35 U.S.C. § 112 first paragraph for not being enabled.

Specifically, the Examiner asserts that the specification does not provide enablement for methods of screening for compounds other that siRNAs that inhibit the protein of SEQ ID NO:2. According to the Examiner that since inhibition of cell proliferation cannot be linked to ZNFN3A1, that there is a possibility that the compounds that inhibit cell proliferation but do not inhibit ZNFN3A1 might be selected by the claimed method. Applicantdisagree. One skilled in the art could easily determine whether the inhibition of proliferation is specifically caused by

inhibition of ZNFN3A1 by testing the action of the compound in cells that do not express ZNFN3A1-- that is by the use of negative controls. As the such of negative controls are known in the art, undue experimentation would not be required to practice the claimed invention. Applicant requests that the rejection be withdrawn

Claim 15 has been rejected under 35 U.S.C. § 112, second paragraph for being indefinite because of the recitation “the proliferation”. Applicants have amended claim 15 to delete “the”. The rejection should be withdrawn.

#### **4. Drawings**

The Examiner has requested new corrected drawings in compliance with 37 CFR 1.121(d). Applicants have submitted new corrected drawings marked “Replacement Sheets”.

## CONCLUSION

Applicant respectfully submits that the pending claims are in condition for allowance. If there are any questions regarding these amendments and remarks, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,

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